

**BEFORE THE MINNESOTA  
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of  
Diane Warnke, EMT-Basic  
Certificate Number: 238437

**FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER**

On June 14, 2006, the Complaint Review Panel ("Panel") of the Minnesota Emergency Medical Services Regulatory Board ("Board" or "EMS RB") initiated the above-entitled proceeding against Diane Warnke, EMT-Basic ("Respondent"), by service of a Notice of Petition and Petition to Suspend Certification.

The matter came on for consideration by the Board pursuant to Minnesota Statutes section 144E.28, subdivision 5(b) (2004), at a regularly scheduled meeting on September 21, 2006, convened in Conference Room A (fourth floor), University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota 55414.

Rosellen Condon, Assistant Attorney General, appeared and presented oral argument on behalf of the Panel. Respondent was not present or otherwise represented at the meeting. Nathan W. Hart, Assistant Attorney General, was present as legal advisor to the Board.

The following members of the Board were present: Brenda Brown, Lori Brown; Shannon Hanson; Megan Hartigan, R.N.; Laurie Hill; Robert Jensen; Mark Lindquist, M.D.; Michael Parrish; Mark Scoenbauer; and Marlys Tanner, R.N. As a member of the Panel, Megan Hartigan, R.N., did not participate in deliberations or vote in the matter.

Based on the record and the proceedings herein, the Board makes the following:

## **FINDINGS OF FACT**

1. On August 26, 2004, Respondent was arrested for involvement in a domestic dispute. After being placed under arrest, Respondent placed her hands in her pockets. Respondent was asked to remove her hands from her pockets and a glass pipe fell to the ground. While doing a standard pat-down search, baggies containing a crystal-like substance were found, which tested positive for methamphetamine weighing about two grams. Respondent was booked for Third Degree Controlled Substance, along with interfering with a 911 call; Fifth Degree Domestic Assault; and Violation of an Order for Protection. Respondent was placed on a leave of absence from the Howard Lake Ambulance Service.

2. On September 23, 2004, Respondent was convicted of Domestic Assault and Drugs - Third Degree. After these convictions, Respondent was terminated from the Howard Lake Ambulance Service.

3. On December 5, 2005, Board staff sent Respondent two letters to two different addresses giving her an opportunity to discuss the above allegations. The first letter was sent via traditional mail to a P.O. Box number in Howard Lake. The second letter was sent to an address in Howard Lake and delivered after multiple attempts via certified mail and signed for by a resident of the home.

4. On May 2, 2006, Respondent was served with a Notice of Conference, scheduling a conference between the Panel and Respondent for June 19, 2006. The Notice of Conference was returned, stamped "RETURN TO SENDER. MOVED LEFT NO ADDRESS. UNABLE TO FORWARD. RETURN TO SENDER."

Based upon the foregoing Findings of Fact, the Board makes the following:

## **CONCLUSIONS**

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 144E.28 and 144E.30 (2004).

2. Respondent was given timely and proper notice of the September 21, 2006, hearing before the Board and of her right under Minnesota Statutes section 144E.28, subdivision 5(b), to request a contested case hearing to be conducted in accordance with Minnesota Statutes chapter 14.

3. The Panel has complied with all relevant substantive and procedural requirements of statute and rule.

4. The Panel has proven by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 144E.30, subdivision 3, by failing to cooperate with a Board investigation.

5. The Panel has proven by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 144E.28, subdivision 5(4), in that she is actually or potentially unable to provide emergency medical services with reasonable skill and safety to patients by reason of illness or use of alcohol.

6. As a result of the violations set forth above and Respondent's failure to request a contested case hearing within 30 days of receipt of notice of her right to do so or at any time, the Board has the authority without further proceedings to take disciplinary action against Respondent's EMT-B certification. Minn. Stat. §§ 144E.28, subds. 4 and 5, and 144E.30, subd. 3 (2004).

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following:

## **ORDER**

1. Respondent's EMT-Basic certificate is **SUSPENDED**, effective immediately. At no time subsequent to the date of this Order shall Respondent engage in any act in Minnesota which constitutes practice as an emergency medical technician as defined in Minnesota Statutes sections 144E.001 and 144E.28, nor shall she in any manner represent or hold herself out as being authorized to so practice.

2. Not later than 7 (seven) days from the date of this Order, Respondent shall surrender and cause the Board to receive her current EMT-Basic certificate card.

3. Respondent may apply to the Board for reinstatement of her certification as an EMT-Basic not earlier than 6 (six) months from the date of this Order. Any such application shall be accompanied by written:

a. Results of a chemical dependency evaluation administered to Respondent at her expense by a licensed provider since the date of this order;

b. Evidence that Respondent has successfully completed or is successfully participating in any and all treatment indicated by the chemical dependency evaluation; and

c. Evidence of compliance with all applicable continuing education or training requirements under Minnesota Statutes section 144E.28, subdivisions 7 and 8.

4. Respondent shall appear before the Panel to review any application for reinstatement submitted pursuant to paragraph 3. The burden of proof shall be on Respondent to demonstrate that she is able to provide emergency medical services in a fit and competent manner without risk of harm to the public. The Board reserves the right to approve an application for reinstatement only upon the imposition of conditions and limitations which the

Board deems necessary to ensure public protection. Such conditions and limitations may include, but need not be limited to, restricted duties and practice supervision.

5. This Order is a public document.

The foregoing Findings of Fact, Conclusions, and Order constitute the Decision of the Board in this matter.

Dated this 12<sup>th</sup> day of October, 2006.

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD

By:   
MICHAEL PARRISH  
Board Chair

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